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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Respondent,

No. CR S-98-0114 KJM DAD P

vs.

D'ANGELO DOMINICO DAVIS,

Movant.

ORDER

_____ /

Movant, a federal prisoner proceeding with counsel, has filed a motion to vacate, set aside, or correct his sentence pursuant to 28 U.S.C. § 2255. On July 26, 2011, the court directed respondent to file an answer to that motion. On August 11, 2011, respondent was granted an extension of time to file a response on or before October 26, 2011. Before the response was filed, however, movant filed a motion requesting a stay of the § 2255 proceedings, an order to obtain access to trial exhibits in respondent's possession, leave to file an amended § 2255 motion, and the appointment of current counsel to represent movant for the remainder of these proceedings. Thereafter, respondent filed a request for a hearing on the movant's motion to be held on or before November 10, 2011, an order staying the filing of the government's response pending a decision on the movant's motion, and an order granting respondent ten-days to file a response to the movant's motion.

Upon review of the parties' filings, the court will grant respondent's request for hearing and respondent will be relieved of the duty to respond to the §2255 motion pending further order of the court.

Accordingly, IT IS ORDERED that:

1. Respondent's October 26, 2011 request for an extension of time to respond to movant's § 2255 motion (Doc. No. 269) is granted;

2. This matter is set for hearing before the undersigned on November 18, 2011, at 10:00 p.m. in Courtroom 27 on the 8th floor;

3. Respondent's opposition to movant's motion filed October 25, 2011, shall be filed on or before November 15, 2011; and

4. The deadline for the filing of respondent's response to the § 2255 motion is vacated and will be reset following resolution of movant's various requests.

DATED: November 7, 2011.

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Dale A. Drozd
DALE A. DROZD
UNITED STATES MAGISTRATE JUDGE